

## REMARKS

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 1-6 and 9-37 were pending in the application. In the Office Action dated December 10, 2008, Claims 1-6, 16-22, 30-35, and 37 were rejected under 35 U.S.C. § 102(e) and Claims 9-15, 23-29 and 36 were rejected under 35 U.S.C. § 103(a). Applicants hereby address the Office Action's rejections in turn.

### Rejection of the Claims Under 35 U.S.C. § 102(e)

The Office Action rejected Claims 1-6, 16-22, 30-35, and 37 as being anticipated by U.S. Patent No. 7,319,545 (“*Linder*”). Applicants address these rejections in order below and applicants respectfully submit that the amendments overcome these rejections and add no new matter.

Amended Claim 1 recites a method for color profile neutral gray adjustment in an imaging system that includes, *inter alia*, “computing a third plurality of sets of color values for the imaging system to output a corresponding plurality of neutral gray outputs at the different lightness levels, by interpolation”, where the interpolation includes “retrieving a fourth plurality of sets of color values in the imaging system's color space corresponding to plurality of nodes in the PCS defining an area in a lightness level containing a neutral node of the lightness level and associated with up to nine points”, “computing the corresponding set of the third plurality of sets of color values based on the fourth plurality of sets of color values”, “constructing eight triangles by first dividing the area into four quadrangles and subdividing the quadrangles into a total of 8 triangles”, “searching exhaustively the eight triangles to determine a triangle containing the neutral node of the lightness level”, and “computing the third plurality of sets of color values by

three point interpolation”. Support for the amendment can be found in the specification (See Specification, pages 6 - 7, lines 10-30 and 1-28, and figure 1b).

In contrast, *Linder* at least does not disclose the aforementioned recitation. For example, *Linder* discloses developing a multidimensional LUT that accepts the RGB values as input and has a corresponding device independent values as table entries. (See *Linder*, col. 5, lines 54 - 56). *Linder* further discloses combining the table with interpolation methods to allow the table to be smaller than 256x256x256 nodes. (See *Linder*, col. 5, lines 57-58). Nowhere does *Linder* disclose, however, computing a third plurality of sets of color values base on an area analysis by constructing eight triangles. Neither does *Linder* disclose exhaustively searching the triangles to determine a neutral node of the lightness level and computing the third plurality of sets of color by three point interpolation. Rather, *Linder* describes using interpolation to minimize node count in creating a LUT table and fails to disclose using eight triangle and three point interpolation in determining a neutral node.

Thus, *Linder* fails to anticipate or suggest the claimed subject matter as recited by amended Claim 1. Dependent Claims 2, 4-6, 11 and 16 depend from Claim 1 and are, therefore, allowable at least for the reasons described above regarding independent Claim 1 and by virtue of their additional features. Accordingly, Applicants respectfully request withdrawal of the rejections of independent Claim 1 and dependent Claims 4-6, 11 and 16. Claims 3 and 17 have been cancelled without prejudice or disclaimer.

Amended Claim 18 recites an apparatus comprising storage medium having stored therein a plurality of programming instructions designed to enable the apparatus to design a target comprising a plurality of near-neutral patches with similar elements to the method recited in amended Claim 1. The programming instructions of amended Claim 18 include additional

elements such as “computing the third plurality of sets of color values based on the corresponding set of L\*a\*b\* color space.” Amended Claim 32 recites an article of manufacture comprising a storage medium and a plurality of instructions stored in the storage medium, the instructions designed to enable an apparatus to design a target comprising a plurality of near-neutral patches similar to the method of amended Claim 1. Accordingly, independent Claims 18 and 32 are distinguishable over the cited art, and Applicants respectfully request withdrawal of this rejection of Claims 18 and 32.

Dependent Claims 21-22, 30, 33-35 and 37 depend from Claims 18 and 32, respectively, and are, therefore, allowable at least for the reasons described above regarding independent Claims 18 and 32 and by virtue of their additional features. Accordingly, Applicants respectfully request withdrawal of the rejections of dependent Claims 21-22, 30, 33-35 and 37. Claims 19-20, 31 and 36 have been cancelled without prejudice or disclaimer.

#### Rejection of the Claims Under 35 U.S.C. § 103(a)

The Office Action rejected claims 9-15, 23-29 and 36 under 35 U.S.C. § 103(a) as being unpatentable over *Linder* in view of U.S. Patent Pub. No. 2003/0072016 (“*Dalrymple*”). Applicants address these rejections in order below and Applicants respectfully submit that the amendments overcome these rejections and add no new matter.

Claims 9-15, 23-29 and 36 depend from amended Claims 1, 18 and 32, respectively, with additional features. As discussed above, *Linder* fails to anticipate, teach, or suggest at least the “computing the corresponding set of the third plurality of sets of color values based on the fourth plurality of sets of color values”, “constructing eight triangles by first dividing the area into four quadrangles and subdividing the quadrangles into a total of 8 triangles”, “searching exhaustively

the eight triangles to determine a triangle containing the neutral node of the lightness level”, and “computing the third plurality of sets of color values by three point interpolation” features of Claim 1 and corresponding similar elements in Claims 18 and 32. While disclosing interpolation process with an input CMY cube being partitioned into six tetrahedral and for an arbitrary input CMYpoint, its enclosing tetrahedron being determined by an ordering information of CMY signals (See *Dalrymple*, page 6, paragraph 0083), *Dalrymple* fails to cure these deficiencies for the independent claims. Therefore, Claims 11 and 25-29 are allowable for at least the same reasons as discussed in conjunction with Claims 1 as well as its additional features. Notice to that effect is respectfully requested. Claims 9-10, 12-15, 23-24, and 36 have been cancelled without prejudice or disclaimer.

## CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests the reconsideration and further examination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

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Respectfully Submitted,

ADORNO & YOSS, LLC  
1349 West Peachtree Street, N.E.  
Suite 1500  
Atlanta, Georgia 30309

(404) 347-8507  
(404) 347-8505 (Direct)

A handwritten signature in black ink, appearing to read "C. Turk".

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Carl K. Turk  
Reg. No. 59,675